

LMAR 2.1
Transfer to Arbitration

- a) Statement of Arbitrability. In every civil case, the party filing the note for trial setting (Exhibit A) provided by CR 40 (a) (1) and LCR 40(B) (1), or any party prior to the time for trial setting, may upon the form prescribed by the court, complete a statement of arbitrability, which will be filed in the Superior Court Clerk's office and a duplicate copy delivered to the Court Administrator's office and the opposing party or parties. A party failing to file and serve a statement of arbitrability within the times prescribed shall be deemed to have waived arbitration, and may subject the matter to mandatory arbitration thereafter only upon leave of the court for good cause shown.
 - b) Response to Statement of Arbitrability. Any party disagreeing with the statement of arbitrability shall serve and file a response on the form prescribed by the court (Exhibit B). A duplicate copy of the response shall be delivered to the Court Administrator. In the absence of such a response, the statement of arbitrability shall be deemed correct. Any response opposing the statement of arbitrability shall be filed within seven days after the receipt of the statement of arbitrability. A notice of issue shall be filed with any response objecting to the statement of arbitrability, noting the matter for hearing on the issue of arbitrability within 14 days of filing the response.
 - c) Failure to File - Amendments. A person failing to serve and file an original response within the times prescribed may later do so only upon leave of the court. A party may amend a statement of arbitrability or response at any time before assignment of an arbitrator or assignment of a trial date, and thereafter only upon leave of the court for good cause shown.
 - d) By Stipulation. A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy.
 - e) When Transfer to Arbitration Occurs for Purposes of Application of Local Rules. The case is transferred to arbitration upon the filing of a statement of arbitrability indicating that the case is subject to arbitration, and the filing of a motion for appointment of arbitrator, unless an objection to arbitration of the case is received within the time limits found in LMAR 2.1(b). This transfer shall also trigger the restriction on discovery contained in MAR 4.2 and LMAR 4.2.
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